REMARKS/ARGUMENTS

Claims 1-5, 8, 10-12 and 24-25 are active. Claims 6, 7, 9, and 13 and 17-23 have been withdrawn from consideration. Use Claims 14-16 have been cancelled. The claims have been amended for clarity and consistency with U.S. practice. New Claims 24 and 25 find support in original Claim 1 and in the specification on page 34, line 30 (Example 2) to page 36 and in Figs. 5A to 5E. No new matter is believed to have been introduced.

The Applicants thank Examiner Aeder for the courteous and helpful interview of February 8, 2007. Claim language that would address the objection, indefiniteness rejection and description rejection was discussed. Apoptosis and the action of the Bcl gene were reviewed and ways to avoid the anticipation rejection were looked at. The Applicants were encouraged to revise the claims for clarity and conformance with U.S. practice, e.g., by eliminating multiple dependent claims, use claims, etc.

Restriction/Election

The Applicants previously elected with traverse Group 1 as directed to a process of *in vitro* detection of resistant cancer cells to oxaliplatin treatment and to the following species: colorectal cancer, Bax and TNF. The Requirement has now been made FINAL. The Applicants respectfully request rejoinder and examination of any non-elected species upon an indication of allowability for a generic claim reading on the elected species. Rejoinder of claims in the non-elected groups which depend from or otherwise include all the limitation of an allowed elected claim is also respectfully requested, MPEP 821.04.

Objections—Claims

Claims 4, 5, 8 and 10-12 were rejected under 37 C.F.R. §1.75(c) as being in improper multiple dependent form. This objection is moot in view of the amendments presented above.

Rejection—35 U.S.C. §112, second paragraph

Claims 1-3 were rejected under 35 U.S.C. 112, second paragraph, as being indefinite. These rejections are moot in view of the amendments above.

Rejection—35 U.S.C. §112, first paragraph

Claim 3 was rejected under 35 U.S.C. 112, first paragraph, as lacking adequate descriptive support. These rejection is moot in view of the amendments above.

Rejection—35 U.S.C. §102

Claims 1-3 were rejected under 35 U.S.C. 102(b) as being anticipated by Macpherson et al, Proc. Am Assoc Canc. Res. 43:407. Macpherson does not anticipate the invention because they do not disclose an *in vitro* method of detection. Rather, this document discloses a process for *in vitro* enhancement of the cytotoxic effects of oxaliplatin on tumor cells. Macpherson does not disclose the required step of measuring the expression of a mitochondrial apoptosis gene, such as the Bax gene, to detect the resistance of colorectal cancer cells to oxaliplatin treatment. Macpherson is an abstract reporting studies involving the enhancement of the oxaliplatin cytotoxic effect on wild type (HCT116wt) or p53 null or p21 null colon cancer primary cells after treatment of these cells with an antisense (AS) oligonucleotide that inactivates or reduces the Bcl-xl gene expression.

This document describes a short term sensibilization to oxaliplatin of primary tumor cell line by inhibition of Bcl-xl expression where the observed sensibilization is weak, that is, where the surviving fraction of cells after oxaliplatin treatment decreased from 18% (control) to 12% (AS strategy). Consequently, this document is directed to treatment for *in vitro* enhancement of the oxaliplatin cytotoxic effect and not to a process for *in vitro* detection of such resistance. Accordingly, the cited prior art does not anticipate the invention and may be withdrawn.

Conclusion

After review and consideration of the arguments and amendments above, the Applicants respectfully submit that this application shall be found in condition for allowance. An early indication of such is earnestly requested.

Respectfully submitted,

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